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**Electronically Filed: August 24, 2010**

**Proposed Attorneys for Yvette Weinstein,  
Chapter 7 Trustee**

UNITED STATES BANKRUPTCY COURT  
District of Nevada

In re ) CASE NO. BK-S-10-19096-LBR  
ANA J. FOX, )  
Debtor. ) Chapter 7  
) **OBJECTION TO DEBTOR'S CLAIM OF**  
)) **EXEMPTION AND MOTION FOR**  
)) **TURNOVER**  
)  
)) Date:  
)) Time:  
)) Ctrm: LBR - Courtroom 1  
)) Foley Federal Building  
)) 300 Las Vegas Blvd. South  
)) Las Vegas, NV 89101  
)) Judge: Hon. Linda B. Riegel  
)

Yvette Weinstein (“Trustee”), by her attorney, Elizabeth E. Stephens, Esq. of Sullivan, Hill, Lewin, Rez & Engel, hereby objects to the Debtor’s claim of exemption pursuant to 11 U.S.C. § 522 and Fed. R. Bankr. P. 4003, and moves the Court for turnover of property of the Estate pursuant to 11 U.S.C. § 542.

This objection and motion is based upon the attached memorandum of points and authorities, all the papers and files of record, and any oral argument this Court may wish to hear.

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## **POINTS AND AUTHORITIES**

I.

## **BACKGROUND**

Ana J. Fox (“Debtor”) filed for bankruptcy protection under Chapter 7 of the Bankruptcy Code on May 18, 2010. Yvette Weinstein was appointed Trustee and has served in that capacity ever since. *See* the Declaration of Yvette Weinstein (“Declaration”). Debtor was married, but her spouse, Clifford Fox (“Spouse”), did not file for bankruptcy protection with her.

Significant assets were listed on Schedule A. However, the only two assets retaining equity were the family residence at 8513 Copper Falls Avenue in Las Vegas and a timeshare, Tahoe Beach & Ski Club, in Laguna Hills, California. The \$50,000 of equity in the family home was exempted on Schedule C pursuant to NRS section 21.090(1)(m). The timeshare valued at \$3,000 was not claimed as exempt on Schedule C. (Schedules attached hereto and incorporated herein as Exhibit "A").

The Debtor listed a checking account containing \$131.72 and savings account holding \$74.66 at Bank of America as well as a joint account with her spouse with \$50.04 in it. She also listed a Bank of America checking account with a total of \$864.39 in it and a savings account with \$38.41 described as “Non-Filing Spouse’s Account.” The account proceeds totaling \$1,259.19 were listed as exempt under NRS section 21.090(1)(z) along with \$25.00 of cash on hand and 28 shares of Citigroup stock valued at \$139.01. A total of \$1,423.20 was claimed exempt pursuant to Section 21.090(1)(z).

The Debtor also listed two vehicles on Schedule B, a 2004 Solara valued at \$7,635.00 and a 2002 Volkswagen Eurovan (“Eurovan”) valued at \$12,000.00. No secured interest in the vehicles was listed on Schedule D. The Debtor claimed both vehicles as exempt on Schedule C pursuant to NRS section 21.090(1)(f).

The Trustee objects to the vehicle exemption, and objects to the wildcard exemption for amounts exceeding \$1,000.00, and requests turnover of the non-exempt values including the non-exempt equity in the timeshare.

1                   **II.**2                   **ARGUMENT**3                   **A. The Non-Filing Spouse's Property Is Property Of The Estate And Subject To The Debtor's**  
4                   **Exemptions.**5                   When a married debtor files for bankruptcy protection, but her spouse does not, the property  
6                   of the estate includes:7                   (2) All interests of the debtor and the debtor's spouse in  
8                   community property as of the commencement of the case that is—9                   (A) under the sole, equal, or joint management and control of  
the debtor; or10                  (B) liable for an allowable claim against the debtor, or for both  
an allowable claim against the debtor and an allowable claim against  
the debtor's spouse, to the extent that such interest is so liable.11 U.S.C. § 541(a)(2). For purposes of section 541(a)(2), the Ninth Circuit has concluded that all  
12 community property not yet divided by a state court at the time of filing is property of the  
13 bankruptcy estate. In re Maynard, 153 F.3d 1082, 1085 (9<sup>th</sup> Cir. 1998). Therefore, the community  
14 property of both spouses becomes property of the estate when one spouse files a bankruptcy petition.  
In re Mantle, 153 F.3d 1082, 1085 (9<sup>th</sup> Cir. 1998).15                  Of course community property law is determined by state law. Butner v. U.S., 440 U.S. 48,  
16 55 (1979). "In Nevada all property acquired after marriage is presumed to be community property."  
17 NRS § 123.220, Kelly v. Kelly, 86 Nev. 301, 468 P.2d 359 (1970). It is also noteworthy that in  
18 Nevada, unlike, for example, California, there is no "fifty-fifty" rule. In re McNabney, 105 Nev.  
19 652, 656, 782 P.2d 1291 (1989).20                  The Ninth Circuit Bankruptcy Appellate Panel has held that only the debtor may claim  
exemptions in property when there is a non-filing spouse. The non-debtor spouse has no right to  
21 claim an exemption in the debtor's case. In re Homan, 112 B.R. 356, 359-60 (Bankr. 9<sup>th</sup> Cir. 1989).  
22 See also, In re DeHaan, 275 B.R. 375, 380-81 (Bankr. D. Idaho 2002); In re Pixler, 2002 WC  
23 33939734 (Bankr. D. Idaho 2002). Accord, In re Victor, 341 B.R. 775, 781, (Bankr. D. New Mex.  
24 2006). A non-debtor spouse in a community property state benefits from the discharge of the debtor.  
25 After acquired property is protected from pre-petition claims by the discharge injunction Section

1 524. In re Homan, 112 B.R. at 360; See also, Norwest Financial v. Lawver, 109 Nev. 242, 244-45,  
 2 849 P.2d 324 (1993). This District has followed Homan and DeHaan.

3 The non-filing spouse is not entitled to assert exemption in this case. Under California law,  
 4 the debtor may only exempt her undivided one-half interest in the community property. In re  
 5 Brents-Pickell, 12 B.R. 352, 388 (Bankr. S.D. Cal. 1981). Courts in other jurisdictions have taken  
 6 the position that since the community property interest is indivisible, a debtor ought to be able to  
 7 assert her exemption against the entire community property interest. In re Passmore, 156 B.R. 595,  
 8 599 (Bankr. E.D. Wis. 1992). The latter approach seems more logical under Nevada law and that is  
 9 the approach the Trustee will take here.

10 Further, Nevada is an “opt out” state. Exemptions in bankruptcies filed in Nevada are,  
 11 therefore, resolved by reference to state law. 11 U.S.C. §522(b)(2); NRS § 21.090(3); In re Norris,  
 12 203 B.R. 463, 465 (Bankr. D. Nev. 1996).

13 **B. Debtor May Exempt One Vehicle.**

14 Pursuant to NRS § 21.090(1)(f), a debtor may exempt “one vehicle if the judgment debtor’s  
 15 equity does not exceed \$15,000 or the creditor is paid an amount equal to any excess above the  
 16 equity.” A debtor is limited to exemption of one vehicle. “The only limiting language (other than  
 17 the maximum amount of the exemption) is that the debtor is precluded from exempting equity in  
 18 more than one vehicle.” In re Longmore, 273 B.R. 633, 635 (Bankr. D. Nev. 2001).

19 As discussed above, a non-filing spouse is not entitled to claim his own exemption in the  
 20 debtor’s bankruptcy. Moreover, the debtor may only claim one exemption. Therefore, the Trustee  
 21 objects to the claim of exemption of more than one vehicle and demands turnover of the title or  
 22 value of one vehicle.

23 **C. Debtor Has Claimed Wildcard Exemptions Totaling In Excess Of \$1,000.**

24 Debtor has claimed “wildcard” status for bank account proceeds totaling \$1,259.19, cash on  
 25 hand of \$25.00 and 28 shares of stock valued at \$139.01. NRS section 21.090(1)(z) provides an  
 26 exemption for “[a]ny personal property not otherwise exempt from execution pursuant to this  
 27 subsection belonging to the judgment debtor … not to exceed \$1,000 in total value, to be selected by  
 28 the judgment debtor.” The total claimed exempt by the Debtor pursuant to section 21.090(z) is

1 \$1,423.20, which exceeds the wildcard limit by \$423.20. The amount of \$423.20 should be turned  
2 over to the bankruptcy trustee.

3 **D. The Timeshare Is Property Of The Bankruptcy Estate.**

4 According to Schedule A, the Debtor and spouse owned an undivided 1/7956 timeshare  
5 interest in the Tahoe Beach & Ski Club. It was titled in both Debtor and spouse's names and valued  
6 at \$3,000.00 with no lien against it. Debtor did not claim the property as exempt. The only  
7 available exemption would be the wildcard exemption and, as noted above, it has been fully applied.  
8 Therefore, the timeshare is property of the bankruptcy estate and should be turned over for  
9 liquidation.

10 WHEREFORE, for the reasons argued above, the Trustee respectfully asks this Court to  
11 sustain her objections to exemption and to order turnover of the subject personal property or its  
12 value, and for any other relief this Court may deem to grant.

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14 Dated: August 24, 2010

SULLIVAN, HILL, LEWIN, REZ & ENGEL  
A Professional Law Corporation

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By: /s/ Elizabeth E. Stephens  
Elizabeth E. Stephens  
Proposed Attorneys for Yvette Weinstein,  
Chapter 7 Trustee

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**EXHIBIT "A"**

**In re Ana J Fox**

Case No.

**Debtors**

**SCHEDULE A - REAL PROPERTY**

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a cotenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

**Description and Location of Property:**  
Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

**Unexpired Leases.** If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim." If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

Description and Location of Property	Nature of Debtor's Interest in Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption	Amount of Secured Claim
Location: 8513 Copper Falls Ave., Las Vegas NV		C	357,000.00	306,233.00
-Property held in THE FOX FAMILY TRUST				
Condo: 71675 S. Durango Dr. #210, Las Vegas, NV 89113		C	60,000.00	117,348.53
-Property held in THE FOX FAMILY TRUST				
-Property and Lien in non-filing spouse's name only				
Timeshare: Tahoe Beach & Ski Club, PO Box 3620, Laguna Hills, CA 92654-3620	Fee simple	C	3,000.00	0.00
-Undivided 1/7956 fee interest in property				
-Titled in both Debtor and non-filing spouse's name				
10639 Gilmore Ave, Las Vegas, NV 89129	Fee simple	C	292,500.00	311,982.62
Property and Lien in non-filing spouse's name only				
Sub-Total >			712,500.00	(Total of this page)

continuation sheets attached to the Schedule of Real Property

(Report also on Summary of Schedules)

In re **Ana J Fox**

Case No. \_\_\_\_\_

Debtor

## SCHEDULE B - PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

**Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.**

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property." If the property is being held for a minor child, simply state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
1. Cash on hand		<b>Cash</b>	-	<b>25.00</b>
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		<b>Bank of America Checking Account No. XXXXXXXX9372</b>	-	<b>131.72</b>
		<b>Bank of America Savings Account No. 8692</b>	-	<b>74.64</b>
		<b>Bank of America Checking Account No. 8666 -Debtor Joint Account with Non-Filing Spouse</b>	-	<b>50.04</b>
		<b>Bank of America Checking Account No. 4761 -Non-Filing Spouse's Account</b>	-	<b>864.39</b>
		<b>Bank of America Savings Account No. 2825 -Non-Filing Spouse's Account</b>	-	<b>138.41</b>
3. Security deposits with public utilities, telephone companies, landlords, and others.	X			
4. Household goods and furnishings, including audio, video, and computer equipment.		<b>Location: 8513 Copper Falls Ave., Las Vegas NV Furniture, Televisions, Kitchen Appliances, Washer and Dryer, Miscellaneous Furnishings</b>	-	<b>2,000.00</b>
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.	X			
6. Wearing apparel.		<b>Clothing Location: 8513 Copper Falls Ave., Las Vegas NV 89129</b>	-	<b>300.00</b>
7. Furs and jewelry.		<b>Wedding band, Miscellaneous Jewelry Location: 8513 Copper Falls Ave., Las Vegas NV 89129</b>	-	<b>25.00</b>
8. Firearms and sports, photographic, and other hobby equipment.	X			

Sub-Total > **3,609.20**  
 (Total of this page)

3 continuation sheets attached to the Schedule of Personal Property

B6B (Official Form 6B) (12/07) - Cont.

In re Ana J Fox

Case No. \_\_\_\_\_

Debtor

**SCHEDULE B - PERSONAL PROPERTY**

(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	X			
10. Annuities. Itemize and name each issuer.	X			
11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c).)	X			
12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.		Ameritrade Roth IRA Division of Ameritrade Inc. PO Box 2209, Omaha, NE 68103-2209 Account No. 2314		1,539.49
		Non-Filing Spouse Annuity Single Premium Immediate Annuity Contract #6232 Lincoln Benefit Life Company, PO Box 80469, Lincoln, NE 68501		4,244.15
		Fair market value as of 12/31/2009= \$4,244.15		
		Hospital Pension Administered through Wells Fargo Retirement Plan Office PO BOX 2949 San Francisco, CA 94126 Trust No. 505835		Unknown
13. Stock and interests in incorporated and unincorporated businesses. Itemize.		Citigroup, Inc. Restricted Stock, 28.6031 shares. Account No. 790		139.01
14. Interests in partnerships or joint ventures. Itemize.	X			
15. Government and corporate bonds and other negotiable and nonnegotiable instruments.	X			
16. Accounts receivable.	X			

Sub-Total > 5,922.65  
(Total of this page)Sheet 1 of 3 continuation sheets attached  
to the Schedule of Personal Property

B6B (Official Form 6B) (12/07) - Cont.

In re Ana J Fox

Case No. \_\_\_\_\_

Debtor

**SCHEDULE B - PERSONAL PROPERTY**

(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
17. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X			
18. Other liquidated debts owed to debtor including tax refunds. Give particulars.	X			
19. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property.	X			
20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			
21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			
22. Patents, copyrights, and other intellectual property. Give particulars.	X			
23. Licenses, franchises, and other general intangibles. Give particulars.	X			
24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.	X			
25. Automobiles, trucks, trailers, and other vehicles and accessories.		2004 Toyota Solara; 60,000 miles	-	7,635.00
		2002 Volkswagen Eurovan; 35,000 miles	-	12,000.00
26. Boats, motors, and accessories.	X			
27. Aircraft and accessories.	X			

Sub-Total > 19,635.00  
(Total of this page)Sheet 2 of 3 continuation sheets attached  
to the Schedule of Personal Property

B6B (Official Form 6B) (12/07) - Cont.

In re

Ana J Fox

Case No. \_\_\_\_\_

Debtor

**SCHEDULE B - PERSONAL PROPERTY**  
(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
28. Office equipment, furnishings, and supplies.	X			
29. Machinery, fixtures, equipment, and supplies used in business.	X			
30. Inventory.	X			
31. Animals.	X			
32. Crops - growing or harvested. Give particulars.	X			
33. Farming equipment and implements.	X			
34. Farm supplies, chemicals, and feed.	X			
35. Other personal property of any kind not already listed. Itemize.	X			

Sub-Total > 0.00  
(Total of this page)  
Total > 29,166.85  
(Report also on Summary of Schedules)

Sheet 3 of 3 continuation sheets attached  
to the Schedule of Personal Property

B6C (Official Form 6C) (4/10)

In re **Ana J Fox**

Case No. \_\_\_\_\_

Debtor

### SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor claims the exemptions to which debtor is entitled under:

(Check one box)

- 11 U.S.C. §522(b)(2)
- 11 U.S.C. §522(b)(3)

Check if debtor claims a homestead exemption that exceeds \$146,450. (Amount subject to adjustment on 4/1/13, and every three years thereafter with respect to cases commenced on or after the date of adjustment.)

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
<b>Real Property</b>			
Location: 8513 Copper Falls Ave., Las Vegas NV	Nev. Rev. Stat. § 21.090(1)(m)	50,767.00	357,000.00
<b>-Property held in THE FOX FAMILY TRUST</b>			
<b>Cash on Hand</b>			
Cash	Nev. Rev. Stat. § 21.090(1)(z)	25.00	25.00
<b>Checking, Savings, or Other Financial Accounts, Certificates of Deposit</b>			
Bank of America Checking Account No. XXXXXXXX9372	Nev. Rev. Stat. § 21.090(1)(z)	131.72	131.72
Bank of America Savings Account No. 8692	Nev. Rev. Stat. § 21.090(1)(z)	74.64	74.64
Bank of America Checking Account No. 8666 -Debtor Joint Account with Non-Filing Spouse	Nev. Rev. Stat. § 21.090(1)(z)	50.04	50.04
Bank of America Checking Account No. 4761 -Non-Filing Spouse's Account	Nev. Rev. Stat. § 21.090(1)(z)	864.39	864.39
Bank of America Savings Account No. 2825 -Non-Filing Spouse's Account	Nev. Rev. Stat. § 21.090(1)(z)	138.41	138.41
<b>Household Goods and Furnishings</b>			
Location: 8513 Copper Falls Ave., Las Vegas NV Furniture, Televisions, Kitchen Appliances, Washer and Dryer, Miscellaneous Furnishings	Nev. Rev. Stat. § 21.090(1)(b)	2,000.00	2,000.00
<b>Wearing Apparel</b>			
Clothing Location: 8513 Copper Falls Ave., Las Vegas NV 89129	Nev. Rev. Stat. § 21.090(1)(b)	300.00	300.00
<b>Furs and Jewelry</b>			
Wedding band, Miscellaneous Jewelry Location: 8513 Copper Falls Ave., Las Vegas NV 89129	Nev. Rev. Stat. § 21.090(1)(a)	25.00	25.00
<b>Interests in IRA, ERISA, Keogh, or Other Pension or Profit Sharing Plans</b>			
Ameritrade Roth IRA Division of Ameritrade Inc. PO Box 2209, Omaha, NE 68103-2209 Account No. 2314	Nev. Rev. Stat. § 21.090(1)(r)	1,539.49	1,539.49
Non-Filing Spouse Annuity Single Premium Immediate Annuity Contract #6232 Lincoln Benefit Life Company, PO Box 80469, Lincoln, NE 68501	Nev. Rev. Stat. § 21.090(1)(r)	4,244.15	4,244.15

Fair market value as of 12/31/2009= \$4,244.15

1 continuation sheets attached to Schedule of Property Claimed as Exempt

B6C (Official Form 6C) (4/10) -- Cont.

In re

Ana J Fox

Case No. \_\_\_\_\_

Debtor

**SCHEDULE C - PROPERTY CLAIMED AS EXEMPT**  
(Continuation Sheet)

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
<b>Hospital Pension</b> Administered through Wells Fargo Retirement Plan Office PO BOX 2949 San Francisco, CA 94126 Trust No. 505835	Nev. Rev. Stat. § 21.090(1)(r)	Unknown	Unknown
<b>Stock and Interests in Businesses</b> Citigroup, Inc. Restricted Stock, 28.6031 shares. Account No. 790	Nev. Rev. Stat. § 21.090(1)(z)	139.01	139.01
<b>Automobiles, Trucks, Trailers, and Other Vehicles</b> 2004 Toyota Solara; 60,000 miles	Nev. Rev. Stat. § 21.090(1)(f)	7,635.00	7,635.00
2002 Volkswagen Eurovan; 35,000 miles	Nev. Rev. Stat. § 21.090(1)(f)	12,000.00	12,000.00
		Total:	79,933.85 386,166.85

Sheet 1 of 1 continuation sheets attached to the Schedule of Property Claimed as Exempt

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Best Case Bankruptcy

B6D (Official Form 6D) (12/07)

In re Ana J Fox

Case No. \_\_\_\_\_

Debtor

**SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS**

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is a creditor, the child's initials and the name and address of the child's parent or guardian, such as "A.B.", a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor", include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community".

If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.)

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion" on the Statistical Summary of Certain Liabilities and Related Data.

Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTO R H W J C	Husband, Wife, Joint, or Community  DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	CONT INGENT	UNLI QUIDATED	DIS PUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
Account No. xxxxxx0311		Mortgage  10639 Gilmore Ave, Las Vegas, NV 89129					
American Home Mortgage Servicing Inc. 538 Broadhollow Rd. Melville, NY 11747		- Property and Lien in non-filing spouse's name only  Value \$ 292,500.00				252,500.00	0.00
Account No. xxxxxx0329		Second Mortgage  10639 Gilmore Ave, Las Vegas, NV 89129					
American Home Mortgage Servicing Inc. 538 Broadhollow Rd. Melville, NY 11747		- Property and Lien in non-filing spouse's name only  Value \$ 292,500.00				59,482.62	19,482.62
Account No. xxxxxx3018	X C	4/2007 Mortgage Location: 8513 Copper Falls Ave., Las Vegas NV -Property held in THE FOX FAMILY TRUST  Value \$ 357,000.00				306,233.00	0.00
Account No. xxxxxx0662	C	Condo: 71675 S. Durango Dr. #210, Las Vegas, NV 89113  -Property held in THE FOX FAMILY TRUST -Property and Lien in non-filing spouse's name only  Value \$ 60,000.00				117,348.53	57,348.53
MetLife Home Loans 4000 Horizon Way, Suite 100 Irving, TX 75063		Subtotal (Total of this page)				735,564.15	76,831.15
		Total (Report on Summary of Schedules)				735,564.15	76,831.15

0 continuation sheets attached

In re **Ana J Fox** Case No. \_\_\_\_\_  
Debtor

## SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name, mailing address, including zip code, and last four digits of the account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of the petition. Use a separate continuation sheet for each type of priority and label each with the type of priority.

The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H-Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all claims listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

Report the total of amounts entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts report this total also on the Statistical Summary of Certain Liabilities and Related Data.

Report the total of amounts not entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts not entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts report this total also on the Statistical Summary of Certain Liabilities and Related Data.

Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

### TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets)

#### Domestic support obligations

Claims for domestic support that are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such a child, or a governmental unit to whom such a domestic support claim has been assigned to the extent provided in 11 U.S.C. § 507(a)(1).

#### Extensions of credit in an involuntary case

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(3).

#### Wages, salaries, and commissions

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$11,725\* per person earned within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

#### Contributions to employee benefit plans

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(5).

#### Certain farmers and fishermen

Claims of certain farmers and fishermen, up to \$5,775\* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(6).

#### Deposits by individuals

Claims of individuals up to \$2,600\* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(7).

#### Taxes and certain other debts owed to governmental units

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).

#### Commitments to maintain the capital of an insured depository institution

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507(a)(9).

#### Claims for death or personal injury while debtor was intoxicated

Claims for death or personal injury resulting from the operation of a motor vehicle or vessel while the debtor was intoxicated from using alcohol, a drug, or another substance. 11 U.S.C. § 507(a)(10).

\* Amount subject to adjustment on 4/01/13, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

0 continuation sheets attached

In re Ana J Fox Case No. \_\_\_\_\_  
 Debtor

## SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report this total also on the Statistical Summary of Certain Liabilities and Related Data.

Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTO R  H W J C	Husband, Wife, Joint, or Community	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.			AMOUNT OF CLAIM
			CONTINGENT	UNLIQUIDATED	DISPUTED	
Account No. xxxxxxxxxxxx3353	-	Opened 5/01/85 Last Active 9/24/08 CreditCard		X		304.00
American Express c/o Becket and Lee LLP Po Box 3001 Malvern, PA 19355	-					
Account No. 7809	-	Opened 10/01/07 Last Active 1/05/10 CreditCard				8,809.53
Bank Of America Po Box 17054 Wilmington, DE 19850	-					
Account No. xxxx-xxxx-xxxx-8477	-	Opened 10/01/07 Last Active 1/18/10 Collections				6,748.79
Capital Management Service, LP 726 Exchange St. Suite 700 Buffalo, NY 14210	-					
Account No. xxxx-xxxx-xxxx-3953	-	Opened 4/01/04 Last Active 1/06/10 CreditCard				3,652.71
Chase Po Box 15298 Wilmington, DE 19850	-					
Subtotal (Total of this page)						19,515.03

2 continuation sheets attached

B6F (Official Form 6F) (12/07) - Cont.

In re Ana J Fox Case No. \_\_\_\_\_  
 Debtor

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
 (Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODE H W J C	Husband, Wife, Joint, or Community  DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	CONTINGENT UNPAID DATE D ISPUTED	AMOUNT OF CLAIM
Account No. xxxxxxxx3970	-	Opened 5/01/00 Last Active 1/05/10 CreditCard		
Citibank Sd, Na Po Box 6500 Sioux Falls, SD 57117	-			11,358.91
Account No.xxxxxxxxxx6671	-	Opened 4/01/05 Last Active 1/06/10 ChargeAccount		
Citibank Usa Attn.: Centralized Bankruptcy Po Box 20363 Kansas City, MO 64195	-			3,924.00
Account No. xxxxxxxx0190	-	Opened 11/01/07 Last Active 1/04/10 Unsecured		
Equiant Financial Svcs 4343 N Scottsdale Rd Ste Scottsdale, AZ 85251	-			4,334.00
Account No.xxxxxxxxxxx9557	-	Opened 8/01/03 Last Active 2/03/10 ChargeAccount		
GEMB/Sams Club Attention: Bankruptcy Department Po Box 105968 Atlanta, GA 30353	-			1,428.00
Account No. xxxxxxxxxxxx7743	-	Opened 5/01/09 Last Active 1/10/10 CreditCard		
Sears/cbsd Po Box 6189 Sioux Falls, SD 57117	-			2,887.00
Sheet no. <u>1</u> of <u>2</u> sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims		Subtotal (Total of this page)		23,931.91

B6F (Official Form 6F) (12/07) - Cont.

In re Ana J Fox

Case No. \_\_\_\_\_

Debtor

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
 (Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR  H W J C	Husband, Wife, Joint, or Community	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
Account No. xxxx-xxxx-xxxx-8566			Opened 11/01/08 Last Active 1/16/10 CreditCard				2,216.56
Target National Bank Po Box 560284 Dallas, TX 75356							
Account No.							
Account No.							
Account No.							
Account No.							
Account No.							
Sheet no. <u>2</u> of <u>2</u> sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims				Subtotal (Total of this page)			2,216.56
				Total (Report on Summary of Schedules)			45,663.50

B6G (Official Form 6G) (12/07)

In re

Ana J Fox

Case No. \_\_\_\_\_

Debtor

## SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interest in contract, i.e., "Purchaser", "Agent", etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described. If a minor child is a party to one of the leases or contracts, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

Check this box if debtor has no executory contracts or unexpired leases.

Name and Mailing Address, Including Zip Code,  
of Other Parties to Lease or Contract

Description of Contract or Lease and Nature of Debtor's Interest.  
State whether lease is for nonresidential real property.  
State contract number of any government contract.

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continuation sheets attached to Schedule of Executory Contracts and Unexpired Leases